intent to misstate the information is documented by the applicant's own pleadings. Accordingly, the Commission can and should dismiss the Four Jacks application without a hearing based on the blatant misconduct that has occurred before its own eyes. See RKO General Inc. v. FCC, 670 F.2d 215, 231-236 (D.C. Cir. 1981), cert. denied, 456 U.S. 927 (1982).

IV. Conclusion.

For the foregoing reasons, the above-referenced application should be dismissed, or in the alternative, denied.

Respectfully submitted,

SCRIPPS HOWARD BROADCASTING COMPANY

Donald P. Zeifang Kenneth C. Howard

Patricia M. Steel

BAKER & HOSTETLER 1050 Connecticut Avenue, N.W. Suite 1100 Washington, D.C. 20036

Its Attorneys

February 25, 1992

CERTIFICATE OF SERVICE

I, Cathleen Parham, a secretary in the law firm of Baker & Hostetler, do hereby certify that a copy of the foregoing Reply To Opposition To Petition To Deny Application was mailed on this 25th day of February, 1992, to the following:

Martin Leader, Esq. Fisher, Wayland, Cooper and Leader 1255 Twenty-Third Street, N.W. Suite 800 Washington, D.C. 20037-1125

Cathleen Parham



ENGINEERING STATEMENT
IN RESPONSE TO THE OPPOSITION TO
PETITION TO DENY THE APPLICATION OF
FOUR JACKS BROADCASTING, INC.
PREPARED ON BEHALF OF
SCRIPPS HOWARD BROADCASTING COMPANY

FEBRUARY 1992

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

City of Washington

	City of Washington)) ss
	District of Columbia)
	Donald G. Everist, be	ing duly sworn upon his oath, deposes and states that:
	of Columbia, and is Secreta	rical engineer, a Registered Professional Engineer in the District try-Treasurer of Cohen, Dippell and Everist, P.C., Consulting n, with offices at 1300 L Street, N.W., Suite 1100, Washington,
	That his qualifications a	are a matter of record in the Federal Communications Commission;
	That the attached enginedirection and	neering report was prepared by him or under his supervision and
		rein are true of his own knowledge, except such facts as are stated ef, and as to such facts he believes them to be true.
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This engineering statement has been prepared on behalf of Scripps Howard Broadcasting Company ("Scripps"), licensee of WMAR-TV, Baltimore, Maryland and is in response to the Opposition to Petition to Deny the application of Four Jacks Broadcasting, Inc. ("FJB"). In its opposition to the Petition to Deny, FJB takes issue with several items -- Protection to Monitoring Station and FCC Form 301 V-C, Question 14. Further comments are directed towards FJB use of a single transmission line under the heading "Other".

Item One - **Protection to Monitoring Station** - FJB concedes that its proposal will produce 7 dB greater field strength at the Laurel Monitoring Facility than the present WMAR-TV facility. However, FJB does not indicate how it arrives at this figure and how the proposed facility will not impact upon the Laurel Monitoring Facility other than to claim that there will be no impact. It produces no calculations to substantiate its claim, therefore, it has not adequately demonstrated compliance with Section 73.1030 of the FCC Rules. Abstracted is the pertinent provisions of Section 73.1030 applicable to the FJB proposal.

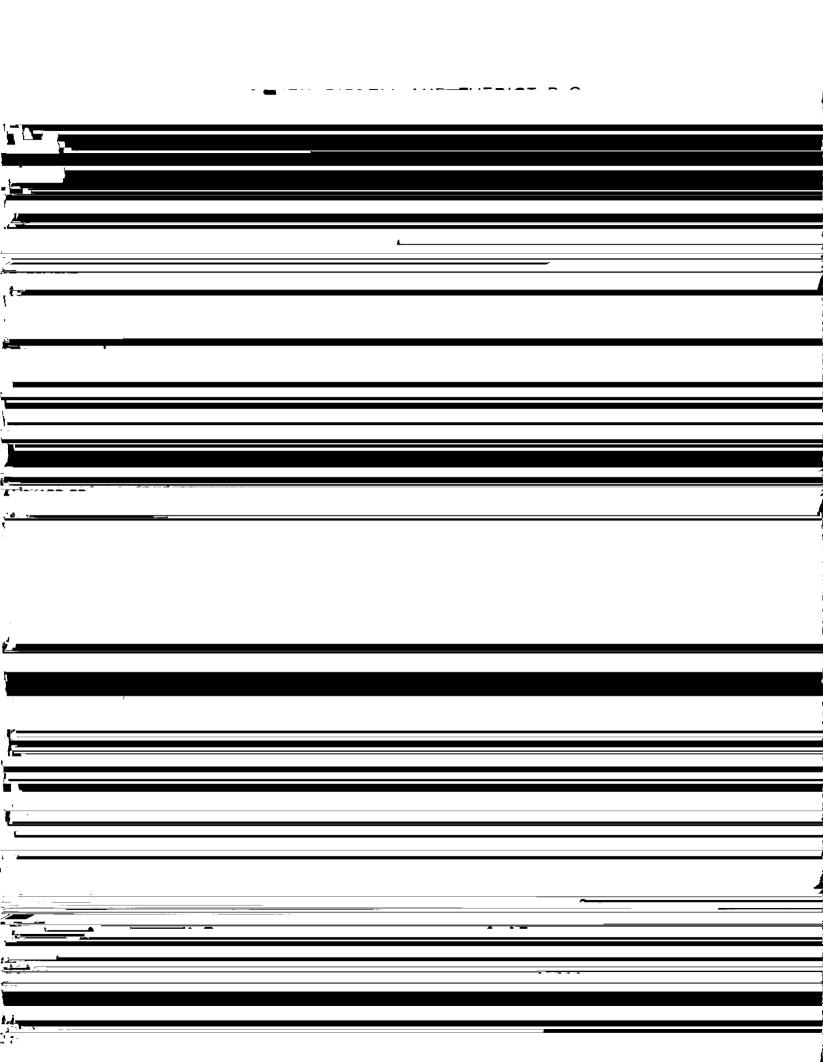
- "(c) Protection for Federal Communications Commission monitoring stations
 - (1) Applicants in the vicinity of a FCC monitoring station for a radio station authorization to operate new transmitting facilities or changed transmitting facilities which would increase the field strength produced over the monitoring station in excess of that previously authorized are advised to give consideration, prior to filing applications, to the possible need to protect the FCC stations from

harmful interference. Geographical coordinates of the facilities which require protection are listed in $\S 0.121(c)$ of the FCC Rules. Applications for stations (except mobile stations) which will produce on any frequency a direct wave fundamental field strength of greater than 10 mV/m in the authorized bandwidth of service (-65.8 dBW/m² power flux density assuming a free space characteristic impedance of 120 m ohms) at the referenced coordinates, may be examined to determine extent of possible interference. Depending on the theoretical field strength value and existing root-sumsquare or other ambient radio field signal levels at the indicated coordinates, a clause protecting the monitoring station may be added to the station authorization.

(2) In the event that calculated value of expected field exceeds 10 mV/m (-65.8 dBW/m²) at the reference coordinates, or if there is any question whether field strength levels might exceed the threshold value, advance consultation with the FCC to discuss any protection necessary should be considered. Prospective applicants may communicate with: Chief, Field Operations Bureau, Federal Communications Commission, Washington, D.C. 20554, Telephone (202) 632-6980.



Advance consultation is suggested narticularly for those



calculations which demonstrate that if the WPOC(FM) antenna is moved to the tower height proposed by FJB, in order to maintain its equivalent facilities, WPOC(FM) will operate with an ERP of 21 kW. Performing this direct wave calculation determines that WPOC(FM) will increase its signal at the Laurel Monitoring facility. Hence, FJB is also incorrect in its evaluation of proposed WPOC's relationship to the Laurel Monitoring station as a direct result of FJB's proposal.

Item Two - FCC Form 301, V-C Question 14 - Unlike many applications where the antenna is mounted in a suitable space, the FJB proposed operation requires reconfiguration of the tower, relocation of WPOC(FM) operating at a higher power to maintain its equivalent Class B operation, and presumably other antennas on the tower will require repositioning. In fact, FJB in its tower diagram makes no attempt to show these other communications antennas and how they will be relocated. However, as seen by the photographs included in the statement by Mr. Matthew Vlissides and the documentation of Mr. Donald Hall, provided in Scripps's initial pleading, there are a number of other antennas on the tower. These operations have not been considered by FJB as required by Question 14 in its response. Based upon the information disclosed by the Donald Hall statements, there appear to be at least two other antennas above the 550 feet above ground level and a number of antenna immediately below. A study has been commissioned on the frequencies licensed to the identical coordinates of the proposed FJB operation. From that study (see Tables III and IV), it appears that over eighty (80) other licensees are authorized with facilities with heights above the 550 feet above ground level.

FJB has not fully disclosed how it intends to comply with Question 14 (shown below) of FCC Form 301. Question 14 of FCC Form 301:

"Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters; or (b) in the general vicinity, any nonbroadcast (except citizens band or amateur) radio stations or any established commercial or government receiving stations?

If Yes, attach as an Exhibit a description of the expected, undesired effects of operations and remedial steps to be pursued, if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by intermodulation) to facilities in existence or authorized prior to grant of this application. (See C.F.R. Sections 73.682(d) and (g).)

(EMPHASIS PROVIDED)

As noted above, FJB proposes to remove approximately 60 feet of tower to accommodate its antenna and not only WPOC(FM) will be displaced¹ and relocated but under this scenario presumably many of these common carrier and private radio stations will be displaced and relocated. FJB only provides information where it will be located and indicates that WPOC will be moved, however, FJB leaves unanswered where all the other stations who are presently licensed to operate from the tower would be relocated. Consideration of the other licensees including WPOC(FM) is necessary since they must request and receive approval from the FCC for facility changes.

¹FJB states "the applicant [Four Jacks] accepts the responsibility to alleviate <u>any new</u> intermodulation interference resulting from the instant proposal." However, the Rules require that if WPOC(FM) applies later for its modification, it <u>must</u> alleviate the intermodulation interference under the "last in provision". Therefore, it is uncertain whether FJB has anticipated this provision.

Item Three - Other -FJB takes issue with one of the assumptions that two transmission lines would be employed. In fact, FJB provides little information on how it proposes to operate. For example, one reason to employ two transmission lines is to have redundancy in the event of a failure of one of the lines, to permit continued operation. FJB does not disclose if it contemplates having a licensed auxiliary operation. This would be desirable in the event of the failure of its proposed single transmission line. WMAR-TV has a fully redundant auxiliary operation including transmitter, transmission line and antenna as would be expected for a market of the size of Baltimore.

Operation During Outages

FJB stated in its application its intent to install auxiliary power systems. However, FJB did not propose any standby system to cover outage situations such as:

- ° STL System
- ° Transmitter
- ° Transmission Line
- ° Antenna

FJB states that the transmitter site would be equipped with a backup generator to power the transmitter and associated equipment while the main studio generator would be of sufficient power to operate a console and other equipment necessary for station operation.

In the event of a failure of the STL system, the transmitter, the transmission line, or the antenna, FJB service to the public will cease.

The Scripps Howard operation of WMAR-TV currently includes the following:

- 1. A 400 KVA auxiliary power unit is maintained that will feed the entire studio.
- 2. A 185 KVA generator is maintained that will feed the entire transmitting plant of WMAR-TV.
- 3. Redundant STL system (transmit and receive).
- 4. A standby full-power television transmitter is maintained on site. This transmitter is a self redundant parallel transmitter which can operate at full power or with either single transmitter at one-half power. In addition, the main transmitter features dual exciters.
- 5. WMAR-TV maintains a spare 3.5 inch transmission line.
- 6. WMAR-TV maintains a spare antenna located underneath the candelabra portion of the tower with an antenna height above average terrain of 276 meters at approximately 1/3 of licensed ERP.

From the system described above, the current Scripps Howard operation of WMAR-TV provides continuous full television studio and transmission service to Baltimore under major emergencies or equipment breakdowns.

TABLE I

FCC MONITORING STATION PROTECTION LAUREL, MARYLAND FEBRUARY 1992

<u>SUBJECT</u>: Predicted Channel 2 television field strength values at the protected FCC field office at Laurel, Maryland.

WMAR Licensed Channel 2 Site

FCC Field Office Site

N 39° 20' 05" - W 76° 39' 03"

to

N 39° 09' 54" - W 76° 49' 17"

per §0.121(c) of the FCC Rules

WMAR to Field Office:

23.91 km, N 217.9°E

Predicted F(50,50) Field at 23.91 km:

84.8 dBu (visual)

and

74.8 dBu (aural)

Four Jacks Broadcasting, Inc. Proposed Channel 2 Operation:

FJB Coordinates

to

FCC Monitoring Station

N 39° 17' 13" - W 76° 45' 16"

N 39° 09' 54" - W 76° 49' 17" per §0.121(c) of the FCC Rules

Four Jacks Site to Field Office:

14.72 km, N 203.1°E

Predicted F(50,50) Field at 14.72 km:

92.7 dBu (visual)

and

82.7 dBu (aural)

- Based on FCC curves, a predicted increase of 7.9 dB visual signal in predicted field strength will occur at the Commission protected Laurel, Maryland monitoring station
- Based on FCC curves, the Channel 2 aural signal will increase from 74.8 dBu to 82.7 dBu, exceeding the 10 mV/m (80 dBu) limit.

TABLE II FCC MONITORING STATION PROTECTION LAUREL, MARYLAND FEBRUARY 1992

Predicted WPOC(FM) 16 kW (licensed) and 21 kW (proposed) field strength values at the protected FCC field office at Laurel, Maryland, per Section 73.1030(c) of the FCC Rules. The proposed 21 kW WPOC(FM) operation would be necessitated by Four Jacks Broadcasting, Inc. proposed Channel 2 operation.

WPOC(FM) Coordinates	to	FCC Monitoring Station
N 39° 17' 13" - W 76° 45' 16"		N 39° 09' 54" - W 76° 49' 17" per §0.121(c) of the FCC Rules
WPOC(FM) Site to Field Office:		14.72 km, N 203.1°E
Predicted Unattenuated or		95.2 dBu (60 mV/m) licensed
"Direct-Wave" fundamental field:		96.8 dBu (69 mV/m) proposed

TABLE III

ALL OTHER LICENSEES
LOCATED AT THE FOUR JACKS BROADCASTING, INC. SITE
N 39° 17' 13" - W 76° 45' 16"
AT OR ABOVE THE 550 FOOT ABOVE GROUND LEVEL
NOT CONSIDERED BY FOUR JACKS BROADCASTING, INC.
AS REQUESTED BY QUESTION 14 OF FCC FORM 301
FEBRUARY 1992

NUMBER OF LICENSEES OPERATING IN 800 MHZ BAND	47
NUMBER OF LICENSEES OPERATING IN 900 MHZ BAND	31
NUMBER OF LICENSEES OPERATING IN 400 MHZ BAND	10
TOTAL NUMBER OF AUXILIARY LICENSEES ^{1/}	 88

 $^{^{1\!/}{\}rm In}$ addition to eighty-eight licensees, there are 202 other operations licensed at this site.

TABLE IV

PART 90 SERVICES LOCATED AT SITE PROPOSED BY FOUR JACKS BROADCASTING, INC. N 39° 17' 13" - W 76° 45' 16"

FEBRUARY 1992

TABLE IV

Page No. 1

PWR-OUT	ERP GND-E	ELE ANT-	LIC_NAME CITY HGT HAAT					AT-DEG ION	LAT-MIN	LAT-SEC	LON-DEG PHON	LON-MIN E	LON_SEC
KNEA347 13212 BEALL	YX 85 CREEK CT	52.5375	AMK COMMUNICA POTOMAC 772	ATIONS INC									16
13212 BEALL	CREEK CT		AMK COMMUNICA POTOMAC 772		MD	208540000	ANDREW	39 DASKAL	17 AKIS	13	76 3019	45 637092	16
13212 BEALL	CREEK CT		AMK COMMUNICA POTOMAC 772		MD	208540000	ANDREW	39 DASKAL			76 3019		16
13212 BEALL	CREEK CT		AMK COMMUNICA POTOMAC 772		MD	208540000	ANDREW	39 DASKAL	17 AKIS	13	76 3019		16
13212 BEALL	CREEK CT		AMK COMMUNICA POTOMAC 772		MD	208540000	ANDREW	39 DASKAL	17 AKIS	13	76 3019	45 9637092	16
13212 BEALL	CREEK CT		AMK COMMUNICA POTOMAC 772									45 9637092	16
13212 BEALI	CREEK CT		AMK COMMUNICA POTOMAC 772		MD	208540000	ANDREW	39 DASKAL	17 AKIS	13	76 301	45 9637092	16

TABLE IV

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CALLSIGN STREET ADDRI PWR-OUT	RADIO_SRVS FRI ESS ERP GND-EI	_	CITY	ST	ZIP			LAT-MIN	LAT-SEC	LON-DEG PHON		LON_SEC
KNEA347 13212 BEALL 70.00000	CREEK CT	5.1625 550	AMK COMMUNICATIONS POTOMAC 772 FB2C		208540000	ANDRE	39 W DASKALA	17 .KIS	13	76 3019	45 637092	16
KNEA347 13212 BEALL 70.00000	YX 857 CREEK CT 1.00000 540		AMK COMMUNICATIONS POTOMAC 772 FB2C	MD	208540000	ANDRE	39 W DASKALA	17 KIS	13		4 5 637092	16
KNEA347 13212 BEALL 70.00000	CREEK CT		AMK COMMUNICATIONS POTOMAC 772 FB2C	MD	208540000	ANDRE	39 W DASKALA	17 AKIS	13		45 637092	16
KNEA347 13212 BEALL 70.00000	CREEK CT	9.0375 550	AMK COMMUNICATIONS POTOMAC 772 FB2C		208540000	ANDRE	39 W DASKALA	17 AKIS	13		45 637092	16
KNEA347 13212 BEALL	YX 860		AMK COMMUNICATIONS	מא	208540000	ANDRE	39 <u>:W DASKALA</u>	17 AKTS	13	76 3019	45 1637092	16

TABLE IV

Page No. 3

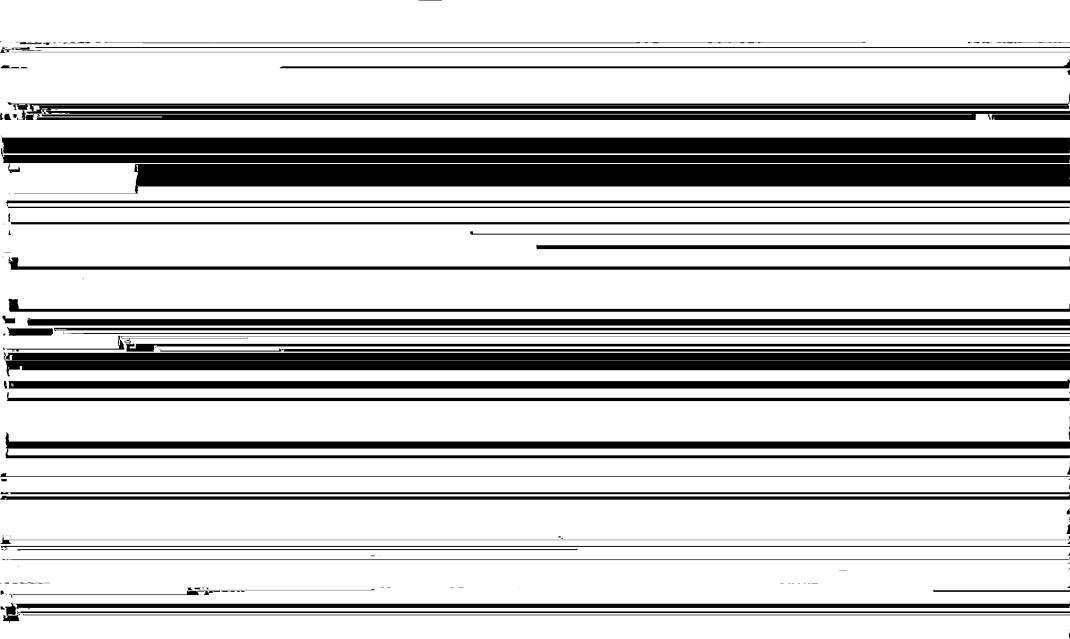


TABLE IV

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PWR-OUT		D-ELE ANT-	HGT HAAT				LAT-DEG ATTENTION			PHON	E	LON_SEC
KNEA347 13212 BEALL	YX CREEK CT	862.6125	AMK COMMUNIC	ATIONS INC			39 ANDREW DASKAL	17	13	76		16
KNEA347 13212 BEALL	YX CREEK CT	863.6125	772 AMK COMMUNIC POTOMAC 772	ATIONS INC			39 ANDREW DASKAL		13	76 3019	45 637092	16
	CREEK CT		AMK COMMUNIC POTOMAC 772				39 ANDREW DASKAL	17 AKIS		76 3019	45 1637092	16
7521 CEMETA			BROWNING FER ELKRIDGE 762					17	13		45 1997822	16
POB 691054	YS 50.00000 54		C & E INCORP HOUSTON 772		ТX	772691054	39	17	13		45 3944800	16
POB 691054			C & E INCORP HOUSTON 772		ΤX	772691054	39	17	13		45 39 44 800	16
POR 691054			C & E INCORE HOUSTON 772		тх	772691054	39	17	13	76 7138	45 8944800	16

TABLE IV

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PART 90 SERVICES
LOCATED AT SITE PROPOSED
BY FOUR JACKS BROADCASTING, INC.

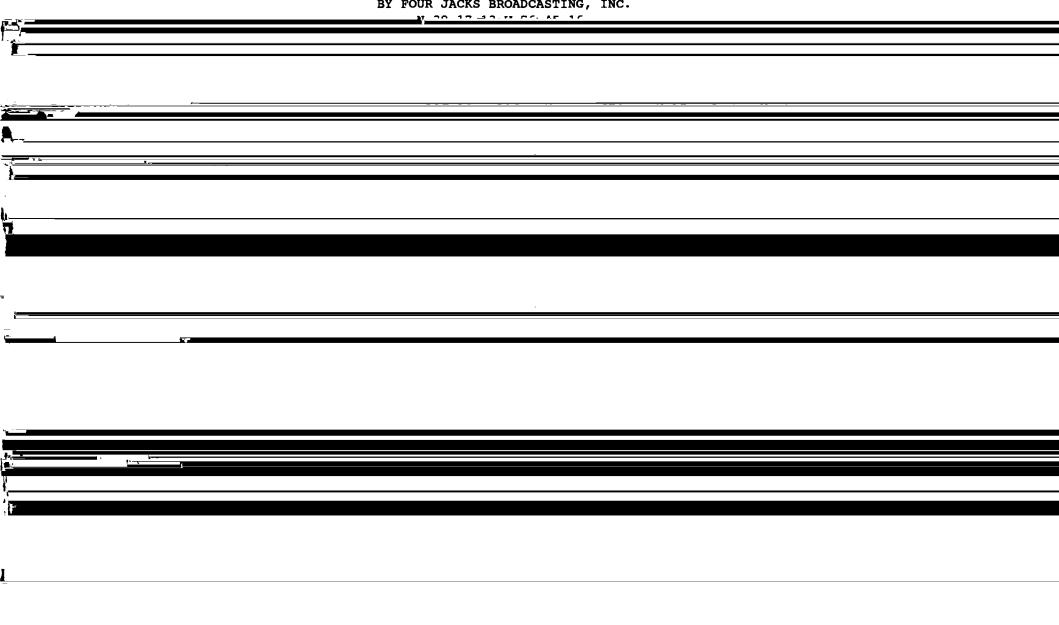


TABLE IV

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CALLSIGN STREET ADD	RESS	-				ST	ZIP	LAT-DE ATTENTION	G LAT-MIN	LAT-SEC	LON-DEG PHON		LON_SEC
PWR-OUT		GND-ELE A											
	GU	936.16	525	CARL MESSE	INGER INC			39	17	13	76		16
30.00000	35.00000	540	550	772	МО								
WNNJ721 829 W BALT				CARL MESSE BALTIMO	INGER INC		212010000			13	76 3015	45 987100	16
30.00000	35.00000	540	550	772	MO								
WNNJ721 829 W BALT				CARL MESSE	ENGER INC	MD	212010000	39 CARL PARR J		13	· -	45 987100	16
30.00000	35.00000	540	550	772	MO								
WNNJ721 829 W BALT					ENGER INC	MD	212010000			13		45 987100	16
		540											
WNNJ721 829 W BALT				CARL MESSE	ENGER INC		212010000		17 R	13		4 5 5987100	16
150.00000	350.00000	540	550	772	FB2								
WNNJ721 829 W BALT				CARL MESSE BALTIMO	ENGER INC	MD	212010000	39 CARL PARR 3		13		4 5 5987100	16
150.00000	350.00000	540	550	772	FB2								
WNMN648 829 W BALT					ENGER SERVICE DRE		212010000		17	13		4 5 5987100	16
				772	MO								

TABLE IV

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STREET ADD PWR-OUT	RESS ERP	GND-ELE ANT-	CITY	ST	ZIP	LAT-DEG ATTENTION	LAT-MIN	LAT-SEC	LON-DEG LO PHONE	N-MIN	LON_SEC
WNMN648 829 W BALT	IMORE ST		CARL MESSENGER BALTIMORE 772 M	MD	212010000	39	17	13	76 3015987	45 '100	16
WNMN648 829 W BALT		897.1375	CARL MESSENGER BAI.TIMORE		212010000	39	17	13	76 3015987	45 7100	16
					·						
₩.	,										

TABLE IV

Page No. 8

CALLSIGN STREET ADI PWR-OUT	RADIO PRESS ERP	_SRVS FREQUENCY GND-ELE ANT-H	CITY	ST ZIP	LAT-DEG ATTENTION	LAT-MIN	LAT-SEC	LON-DEG PHON		LON_SEC
KRN332	IB	463.2000	EDISON ELECTRIC CO		39	_17	_1.3	76	45	16
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TABLE IV

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CALLSIGN STREET ADDI	RESS	_		LIC_NAME CITY		ST	ZIP	LAT-DEG ATTENTION	LAT-MIN	LAT-SEC	LON-DEG PHON	LON-MIN	LON_SEC
PWR-OUT		GND-ELE A											
					OCIATES INC			39					16
222 5TH ST				HUNTI	NGTON BEACH	CA	926480000				7149	603307	
70.00000	250.00000	540 5	50	772	FB2C								
KNBT340	GO	852.36	25	GENSTAR :	STONE PRODUCTS	COM	PANY	39	17	13	76	45	16
EXECUTIVE 1	PLZ IV			HUNT '	VALLEY	MD	210310000				3016	284204	
70.00000	125.00000	540 5	60	770	FB2								
					GLORIA				17	13	76	45	16
					SPRINGS	CA	922640000				6193	3208942	
70.00000	250.00000	540	550	772	FB2C								
WNNL335	GI	897.95	00	GRACE CO	URIER SERVICE			39	17	13	76	45	16
					NDRIA	VA	223120000	JAY SCAROLA			703	2418810	
20.00000	30.00000	540	550	772	МО								
					URIER SERVICE					13	76	45	16
5503 CHERO	KEE AVE			ALEXA	NDRIA	VA	223120000	JAY SCAROLA			703:	2418810	
20.00000	30.00000	540	550	772	МО								
					URIER SERVICE					13	76	45	16
5503 CHERO	KEE AVE			ALEXA	NDRIA	VA	223120000	JAY SCAROLA			703	2418810	
70.00000	250.00000	540	550	772	FB2								
					SMR INC			39	17	13	76	45	16
814 HOLLY	DR E				OLIS	MD	214010000	1			301	9740975	
150.00000	350.00000	540 !	550	772	FB2C								